

Serial No. 10/771,627

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet includes changes to Fig. 5 and Fig. 6.

Attachment: One Replacement Sheet

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the forms PTO-1449 that were filed on 2/5/2004 and 9/14/2004.

Claims 1 – 3 and 6 – 8 are pending, with claims 9 – 21 having been withdrawn. Claims 4 and 5 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

In paragraph 2 of the office action, the examiner requires Figs. 5 – 6 to be designated as “Prior Art”, allegedly because only that which is old is illustrated. Fig. 5 has been labeled as “Prior Art.” The requirement is respectfully traversed with respect to Fig. 6, for the following reasons. The designation “Related Art” in connection with information discussed in the background section is permitted. “Related Art” is not necessarily “Prior Art” and is appropriate, for example, for mere in-house prior work of the inventors. The MPEP states that the subsection titled “Description of the Related Art” in the “Background” section should include “A paragraph(s) describing to the extent practical the state of the prior art or other information disclosed known to the applicant, including references to specific prior art or other information where appropriate. MPEP § 608.01(c) (emphasis added). Further, the MPEP provides a form paragraph that further explains the “Description of the Related Art” section is “A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant’s invention.” MPEP

§ 608.01(a). Hence, the mere fact that information is discussed in the “Background” section does not conclusively indicate that the information constitutes “prior art”. Furthermore, it is clear from the context of the specification that the applicants’ own work is discussed.

The applicants believe that the work illustrated in Fig. 6 was not publicly known and does not constitute prior art. Hence, it is respectfully requested that the examiner reconsider and withdraw the objection to the drawings as shown in the attached replacement sheet.

The specification was objected to for informalities specified in the office action. Page 3 has been amended. However, element “W3”, discussed on page 11 of the specification, is illustrated in Fig. 3. In view of the amendments and comments, withdrawal of the objection to the specification is respectfully requested.

A cosmetic defect noted in the specification was also remedied by way of the above amendment.

Claims 2 and 4 – 7 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been carefully reviewed and revised to reduce instances of indefiniteness. In view of the amended claims, the examiner is respectfully requested to withdraw the rejection.

Claims 1 – 8 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,684,575, Oda et al. (“Oda”). Insofar as the rejection may be applied to the claims as amended, the applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to incorporate claims 4 and 5.

As described in the application, the invention is directed to solving problems such as providing “a weather strip that can prevent a seal portion in a corner potion thereof from being collapsed.” (Specification page 5, lines 22 – 24.)

Claim 1 is directed to a weather strip. It recites in combination, for example, “a projecting portion provided in said second connection portion in such a way as to extend from said outer side wall portion of said trimming portion.” Claim 1 further recites that “a third thickness of a leading end part of said projecting portion is at least twice the second thickness” where the second thickness is the “thickness of a part of said seal portion, which is pressure-contacted to a peripheral portion of the door.”

Without conceding that Oda discloses any feature of the present invention, Oda is directed to a weather strip for an automobile. The office action asserts that Oda discloses the invention as claimed. To the contrary, Oda fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Oda fails to teach or suggest, for example, “a third thickness of a leading end part of said projecting portion is at least twice the second thickness.” (See, e.g., claim 1.) To the contrary, Oda does not teach that the thickness of the second connection portion is at least twice as large as the seal portion.

Oda fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Oda.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Oda clearly fails to show other claimed features as well.

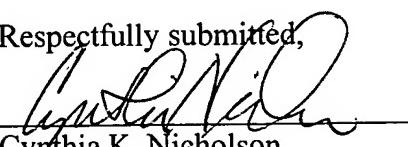
With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any element recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

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